

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA

UNITED STATES OF AMERICA,

Plaintiff,

v.

DERICK COLIN WILKINSON,

Defendant.

Case No. 1:24-cr-00161

**UNITED STATES' NOTICE OF
EXPERT WITNESSES**

The United States of America, by Mac Schneider, United States Attorney for the District of North Dakota, and Nick Baker, Assistant United States Attorney, pursuant to Rule 16 of the Federal Rules of Criminal Procedure, hereby provides notice of the anticipated testimony of the following expert witnesses:

1. Derek Hill – Special Agent (SA), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Bismarck, North Dakota Satellite Office

- Summary: At trial, the United States anticipates that SA Hill will testify to the opinions and conclusions reflected in his ATF Report of Investigation and Origin and Cause Report, and the associated information he reviewed and received when creating this report, dated October 15, 2024. See Bates Nos. 2642-93 and 2642-2784 (report plus associated information)¹.

¹ SA Hill's report (Bates Nos. 2642-2693) satisfies requirements of Federal Rule of Criminal Procedure 16(G)(iv) and (v):

(iv) Information Previously Disclosed. If the government previously provided a report under (F) that contained information required by (iii), that information may be referred to, rather than repeated, in the expert-witness disclosure;

(v) Signing the Disclosure. The witness must approve and sign the disclosure, unless the government:

* states in the disclosure why it could not obtain the witness's signature through reasonable efforts; or

* has previously provided under (F) a report, signed by the witness, that contains all the opinions and the bases and reasons for them required by (iii).

- Bases for Opinions: SA Hill conducted the fire origin investigation for the August 9, 2024, fire at 5704 Bloody Knife Street, in White Shield, North Dakota. The investigation consisted of, in part: cooperation with assisting agencies (federal, state, local, tribal); fire scene examinations and photographing; data (information) collection; analysis of the data (information), the formulation, evaluation, and testing of hypotheses, the selection of a final hypothesis after vetting all reasonable hypotheses against known data, and the rendering of a conclusion. A comprehensive recitation of the bases for SA Hill's opinions and conclusions are reflected in his ATF Report of Investigation and Origin and Cause Report dated October 15, 2024. See Bates Nos. 2642-2693.
- Statement of Opinions: SA Hill is expected to testify, in part, that the August 9, 2024, fire at 5704 Bloody Knife Street, in White Shield, North Dakota was incendiary (i.e., intentionally set) and originated in an upstairs middle bedroom of the residence where the deceased body of a female was discovered. A comprehensive recitation of SA Hill's opinions and conclusions are reflected in his ATF Report of Investigation and Origin and Cause Report dated October 15, 2024. See Bates Nos. 2642-2693 (report) and 2692 (conclusion paragraphs).
- Qualifications: SA Hill's professional experience, education, training, and qualifications are fully listed within his CV, previously disclosed in discovery. See Bates Nos. 2785-2804. Listed below is a summary:
 - Professional Experience:
 - Special Agent, ATF, where he has, among other things, provided immediate and nation-wide response to arson/explosive incidents, conducted fire origin and cause investigations, rendered opinions and conclusions during those investigations, and drafted reports supporting and explaining those opinions and conclusions.
 - Education:
 - Bachelor of Arts Degree (B.A.) – *Criminal Justice*
Jamestown College
Jamestown, North Dakota
 - Training:
 - As an ATF Certified Fire Inspector, SA Hill has received instruction and recurring training from the ATF including, but not limited to: Fire Investigator Certification, Certified Fire Investigator (CFI) Recertification Training, ATF National

Response Team (NRT) Training, and Combined CFI
Recertification and NRT Training.

- Publications Authored in Previous Ten Years (as outlined in SA Hill's CV):
 - "COHb Levels in Fire Victims and Origin Analysis: An ATF Case Study," *The Fire & Arson Investigator*, Vol. 66, No. 4, April 2016.
- Cases Testified as an Expert within the Previous Four Years (as outlined in SA Hill's CV):
 - 2024 – State of North Dakota v. Kamauri Kennedy
Ward County, North Dakota
Jury Trial
Case No. 51-2021-CR-01114
 - 2024 – State of Idaho v. Shannon P. Dabbs
Boundary County Magistrate Court
Preliminary Hearing
Case No. CR11-23-588
 - 2023 – United States v. Jerry Nehl Boylan
U.S. District Court – Central District of California
Jury Trial
Case No. 22-cr-00482
 - 2023 – United States v. Cody Belgarde
U.S. District Court – District of North Dakota
Jury Trial
Case No. 3:21-cr-058
 - 2023 – Acuity v. A Maxon Company, LLC
Corson County, South Dakota
Civil Deposition
Case No. 15CIV18-000029
 - 2023 – United States v. Donovan White Owl
U.S. District Court – District of North Dakota
Jury Trial
Case No. 1:19-cr-68
 - 2022 – State of North Dakota v. Nikki Sue Entzel
Burleigh County, North Dakota
Jury Trial
Case No. 08-2020-CR-00078

- 2020 – United States v. Donovan White Owl
U.S. District Court – District of North Dakota
Suppression Hearing
Case No. 1:19-cr-68
- 2019 – Estate of Howe v. Tri-Energy Coop. and CHS, Inc.
Burleigh County, North Dakota
Civil Deposition
Case No. 08-2018-CV-02789

2. William Massello, M.D. – Medical Examiner, North Dakota State Forensic Examiner’s Office, Bismarck, North Dakota

- Summary: At trial, the United States anticipates that Dr. Massello will testify to the opinions and conclusions reflected in the Report of Death that he prepared and finalized following his examination of the remains of Jane Doe, as well as the associated information he received and reviewed as part of creating the Report, dated September 13, 2024. See Bates Nos. 1757-1761 and 1762-1765 (report plus associated information)².
- Bases for Opinions: Dr. Massello conducted the autopsy of Jane Doe on August 13, 2024, and reviewed associated toxicology information prior to preparing and finalizing the Report of Death for Jane Doe, dated September 13, 2024. See Bates Nos. 1757-1761 and 1762-1765.
- Statement of Opinions: Dr. Massello is expected to testify that Jane Doe’s death was due to the combined effects of blunt neck injury (strangulation) and burning by fire. Dr. Massello is further expected to testify that Jane Doe was

² Dr. Massello’s Report of Death (Bates Nos. 1757-1761) satisfies requirements of Federal Rule of Criminal Procedure 16(G)(iv) and (v):

(iv) Information Previously Disclosed. If the government previously provided a report under (F) that contained information required by (iii), that information may be referred to, rather than repeated, in the expert-witness disclosure;

(v) Signing the Disclosure. The witness must approve and sign the disclosure, unless the government:

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alive briefly after the start of the housefire but was comatose. See Bates No. 1758.

- Qualifications: Dr. Massello's professional experience, education, training, and qualifications are fully listed within his CV, previously disclosed in discovery. See Bates Nos. 3647-3656. Listed below is a summary:
 - Professional Experience:
 - Acting Medical Examiner, North Dakota State Forensic Examiner's Office, where he has, among other things, performed autopsies while serving as the Chief Medical Examiner and acting Medical Examiner.
 - Education:
 - Bachelor of Arts (B.A.) – *Biology*
University of Texas at El Paso
El Paso, TX
 - Doctor of Medicine (M.D.) – *Medicine*
University of Texas Southwestern Medical School
Dallas, TX
 - Training:
 - As a forensic / medical examiner certified through the American Board of Pathology, Dr. Massello has received extensive training that began with the United States Army and concluded at the University of California in Los Angeles (UCLA). His post-doctoral training includes an anatomic and clinical pathology residency and a fellowship in forensic pathology.
- Publications Authored in Previous Ten Years (as outlined in Dr. Massello's CV):
 - "Are There Hallmarks of Child Abuse? I. Osseous Injuries. Letter to the Editor-in-Chief. Acad. Forensic Pathology 2018 December; 8(4): 964-970. (<https://doi.org/10.1177/1925362118821500>)

- Cases Testified as an Expert within the Previous Four Years³ (as outlined in Dr. Massello's CV):
 - 2021 – State of North Dakota v. Steven Charles Rademacher
Williams County, North Dakota
Jury Trial
Case Nos. 53-2019-CR-0117; -1503; and -1504
 - 2021 – State of North Dakota v. Chad Trolon Isaak
Morton County, North Dakota
Jury Trial
Case No. 30-2019-CR-00326
 - 2022 – State of North Dakota v. Dacotah Ryder Hanson
Williams County, North Dakota
Jury Trial
Case No. 53-2019-CR-01726
 - 2022 – State of North Dakota v. Nikkie Sue Melissa Entzel
Burleigh County, North Dakota
Jury Trial
Case No. 08-2020-CR-00078

Dated: January 22, 2025

MAC SCHNEIDER
United States Attorney

By: /s/ Nick Baker
NICK BAKER
Assistant United States Attorney
ND Bar ID 08780
P.O. Box 699
Bismarck, ND 58502-0699
(701) 530-2420
nick.baker@usdoj.gov
Attorney for United States

³ The State Forensic Examiner's Office does not maintain a database that tracks the cases that the medical examiner / forensic examiner has testified in as an expert witness over the previous 4 years; therefore, not all of the cases that Dr. Massello has testified in as an expert witness is listed in this Notice. The cases listed are cases that Dr. Massello is currently able to personally confirm. If and when the information regarding other cases is obtained, the United States will provide that information to defense counsel and amend this Notice.